

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

---

In re:

The Diocese of Rochester,

Debtor.

---

Case No. 19-20905

Chapter 11

**STATEMENT OF THE OFFICIAL COMMITTEE OF  
UNSECURED CREDITORS  
REGARDING ORDER TO SHOW CAUSE CONCERNING  
THE APPOINTMENT OF A FEE EXAMINER**

Official Committee of Unsecured Creditors of the Diocese of Rochester (the “**Committee**”) submits its Statement regarding Order to Show Cause Concerning the Appointment of an Independent Fee Examiner.

1. The Committee and its undersigned professionals do not oppose retention of a fee examiner in this case. The Committee recommends the appointment of Elise S. Frejka as the fee examiner should the Court decide to appoint one.

2. Ms. Frejka is uniquely qualified to serve as fee examiner in this case because she is currently serving as the fee examiner in the chapter 11 case of The Roman Catholic Archbishop of San Francisco pending in the Northern District of California. As such, in addition to her wealth of experience discussed below, Ms. Frejka is well-familiar with the issues that arise in Diocesan chapter 11 cases, such as the type and scope of claims review, preparation and participation in mediation, analysis of assets and corporate structures unique to Catholic entities, and review and analysis of sexual abuse claims. Further, Ms. Frejka received a Trauma Informed Certification from the National Center for Equity & Agency and routinely works on sexual abuse and misconduct cases as counsel to the claims administrator in several high profile cases.

3. Undersigned counsel to the Committee conferred with Ms. Frejka and confirmed that she is available to serve as the fee examiner in this case. She proposes charging her 2024 standard hourly rate of \$695 per hour, discounted by ten (10) percent, and will not increase such rate during this case. Ms. Frejka is available to confer with the Court regarding this matter.

4. Ms. Frejka is eminently qualified to serve as the fee examiner in this case. A copy of her Resume is attached hereto as **Exhibit A**. Following her judicial clerkship for the Honorable Prudence Carter Beatty, United States Bankruptcy Judge, Southern District of New York (Retired), she spent the next two decades working in the bankruptcy and restructuring departments of highly reputable law firms including Kramer Levin Naftalis & Frankel LLP (Special Counsel, 2009–2015), Dechert LLP, as successor to Swidler Berlin Shereff Friedman LLP (Associate, 1999–2009), Togut Segal & Segal LLP (Associate, 1998 – 1999), and Curtis Mallet-Prevost, Colt & Mosle LLP (Associate, 1994–1998). She founded law firm Frejka PLLC in March 2015 where her practice includes fiduciary appointments in bankruptcy matters. She is currently serving as the fee examiner in *In re The Roman Catholic Archbishop of San Francisco*, 23-30564 (Bankr. N.D. Ca. Feb. 29, 2024) and *In re BlockFi Inc.*, 22-19361 (MBK) (Bankr. D. N.J. Nov. 28, 2022) and she previously served as the fee examiner in the large and complex chapter 11 cases of *In re CL H Winddown LLC (f/k/a CarbonLite Holdings LLC)*, 21-10527 (JTD) (Bankr. D. Del. Mar. 8, 2021), *In re Woodbridge Group of Companies, LLC*, 17-12560 (JKS) (Bankr. D. Del. Dec. 4, 2017), and *In re TSA WD Holdings, Inc. (f/k/a Sports Authority Holdings, Inc.)*, 16-10527 (MFW) (Bankr. D. Del. Oct. 18, 2017).

5. In each of the years 2017 through 2023, she was named as one of the Nation's Top Attorney Fee Experts by the National Association of Legal Fee Analysis. She also

has served, and currently serves, as an expert witness on fee issues in several non-fee examiner matters.

6. Based on the foregoing, the Committee and its undersigned counsel submit that Ms. Frejka is eminently qualified to serve as fee examiner in this matter.

Dated: December 6, 2024

Respectfully submitted,

/s/ Ilan D. Scharf

PACHULSKI STANG ZIEHL & JONES LLP

James I. Stang (admitted *pro hac vice*)

Ilan D. Scharf

Karen B. Dine

780 Third Avenue, 34th Floor

New York, NY 10017

Telephone: (212) 561-7700

Facsimile: (212) 561-7777

Email: jstang@pszjlaw.com

ischarf@pszjlaw.com

kdine@pszjlaw.com

*Counsel to the Official Committee of Unsecured  
Creditors*

**EXHIBIT A**

---

## **Professional Experience**

### **FREJKA PLLC**, New York, New York

*Founding Member*, March 9, 2015 – present

- Broad experience with restructurings, crisis management, corporate governance, financings, and acquisitions involving distressed situations in a wide array of industries. Extensive client contact and interactive adversary relations
- Significant experience in contested matters with respect to various debtor/creditor issues, including fraudulent conveyances, preferences, claims objections, debt recharacterization, and equitable subordination
- Represent debtors, creditors, creditors' committees, investors, hedge funds, private equity firms, and acquirers of distressed assets and securities
- Consulting and testifying expert witness in fee disputes
- Notable recent engagements representing major stakeholders include Fee Examiner in *The Roman Catholic Archbishop of San Francisco*, *BlockFi*, *CarbonLite Holdings*, *Woodbridge Group of Companies*, and *Sports Authority* bankruptcy cases, Consumer Privacy Ombudsman in *Oberweis Dairy*, *Endo*, *Sears*, *A&P*, *Toys R Us*, *RadioShack*, counsel to the Sexual Misconduct Claims Fund in *The Weinstein Company*, counsel to the Claims Administrator and settlement fund in *Jane Doe 1 v. JPM Morgan Chase and Jane Doe 1 v. DB*; Counsel to the *Hadden Settlement Fund*; special counsel on privacy issues to *Vyair*, *Express*, *Rite Aid*, *Bed Bath & Beyond*, *Destination Maternity*, *PGX*, and *Lord & Taylor*, and customers of *Bernard L. Madoff Investment Securities, LLC* in clawback litigation
- Certified Information Privacy Professional (CIPP/US), trained mediator, and Trauma Informed Certified

### **KRAMER LEVIN NAFTALIS & FRANKEL LLP**, New York, New York

*Special Counsel*, Corporate Restructuring & Bankruptcy, 2009 – March 6, 2015

- Notable engagements representing major stakeholders include Official Committee of Unsecured Creditors in *Residential Capital LLC*, POOF-Alex in connection with the acquisition of substantially all of the assets of *Summit Products, LLC* and *Fundex, Inc.*, customers of *Bernard L. Madoff Investment Securities, LLC* in clawback litigation, *Saint Vincents Catholic Medical Center*, Deloitte Consulting in the acquisition of public services division of *BearingPoint, Inc.*, CME Group, Systemax Inc. in the acquisition of the e-commerce business of *Circuit City Stores, Inc.*, Official Committee of Unsecured Creditors in *In re General Motors Corp.*, Citigroup Global Markets Realty Corp. as senior lender in *First Republic Group Realty Group*, *Molecular Insight Pharmaceuticals*, and customers and distressed investors in *MF Global*

### **DECHERT LLP**, successor to SWIDLER BERLIN SHEREFF FRIEDMAN, LLP, New York, New York

*Associate*, Business Reorganization and Restructuring, 1999 – 2009

### **TOGUT, SEGAL & SEGAL, LLP**, New York, New York

*Associate*, Corporate, Bankruptcy, Creditors and Debtors Rights, 1998-1999

### **CURTIS, MALLET-PREVOST, COLT & MOSLE LLP**, New York, New York

*Associate*, Bankruptcy and Creditors' Rights, 1994-1998

### **THE HONORABLE PRUDENCE CARTER BEATTY**, U.S.B.J.-S.D.N.Y.

*Law Clerk*, 1992-1994

## **Education**

### **NEW YORK LAW SCHOOL** – Juris Doctor, *cum laude*, 1990

*Awards*: Professor James P. Kibbey Memorial Award for Excellence in Commercial Law

### **VASSAR COLLEGE** – Bachelor of Arts, 1987

*Major*: Economics

## **Miscellaneous**

**Bar Admissions**: New York, Supreme Court of the United States, Second and Federal Circuit Courts of Appeal, Southern, Eastern, and Northern Districts of New York

**Memberships**: American Bankruptcy Institute, Turnaround Management Association, International Women's Insolvency and Restructuring Confederation, National Association of Legal Fee Analysis, International Association of Privacy Professionals

**Panelist**: NALFA: *Professional Fees in Large Chapter 11 Bankruptcy Cases*, ABI: *The Details of Retail: Can you Reorganize Middle-Market Retailers?*, ABI Live Webinar: *The Importance of Prebankruptcy Planning to Maximize the Value of Customer Data and IP*, ABA: *Who is Minding the Minders: Is Your Personal Data/Information Safe in Sale or Crisis?*; ABI: *Key Issues and Emerging Trends in Hospitality Defaults*, TMA: *Technology's Impact on Distressed Lending & Investing*

**Guest Lecturer**: Bankruptcy, Workouts & Reorganizations, New York University School of Continuing and Professional Studies